

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Parts 2 and 25 to)	
Implement the Global Mobile Personal)	IB Docket No. 99-67
Communications by Satellite (GMPCS))	
Memorandum of Understanding and)	
Arrangements)	
)	
Petition of National Telecommunications)	
and Information Administration to Amend)	
Part 25 of the Commission's Rules to)	RM No. 9165
Establish Emission Limits for Mobile and)	
Portable Earth Stations Operating in the)	
1610-1660.5 MHz Band)	

REPLY COMMENTS OF STRATOS COMMUNICATIONS, INC.

Stratos Communications, Inc. ("Stratos," formerly MarineSat Communications Network, Inc.) hereby submits its reply comments in the above-captioned proceeding.¹ Stratos, an indirect wholly-owned subsidiary of Stratos Global Corporation, is licensed by the Federal Communications Commission ("Commission") to operate thousands of L-band mobile earth terminals ("METs") to provide mobile-satellite service in the United States. Indeed, Stratos is one of the largest distributors of services offered by Inmarsat Ventures plc ("Inmarsat") and Mobile Satellite Ventures Subsidiary LLC ("MSV"). As a result, Stratos has a direct and substantial interest in the outcome of this proceeding.

¹ See *Amendment of Parts 2 and 25 to Implement the Global Mobile Personal Communications by Satellite (GMPCS) Memorandum of Understanding and Arrangements; Petition of National Telecommunications and Information Administration to Amend Part 25 of the Commission's Rules to Establish Emission Limits for Mobile and Portable Earth Stations Operating in the 1610-1660.5 MHz Band*, IB Docket No. 99-67 and RM No. 9165, Report and Order and Further Notice of Proposed Rule Making (rel. May 14, 2002) ("*Order*" or "*Further NPRM*").

Stratos generally supports the Commission's implementation of the Global Mobile Personal Communications by Satellite ("GMPCS") Memorandum of Understanding ("GMPCS-MoU") and appreciates this opportunity to provide its comments on issues raised in connection with the *Further NPRM*. However, Inmarsat and MSV raise a number of important issues that should be addressed in this proceeding. Specifically, Stratos agrees that the Commission should: (i) set December 31, 2007 as the out-of-band emissions limit compliance deadline for Inmarsat-A METs, and December 31, 2012 as the compliance deadline for Inmarsat-B METs; and (ii) to the extent the Commission imposes new equipment certification requirements for L-band METs, at a minimum it should exempt METs manufactured prior to the implementation of such certification requirements from Part 2 labeling requirements.² Stratos does not address the other issues raised by Inmarsat or MSV, but urges the Commission to due consideration to those proposals.

I. COMPLIANCE DEADLINES FOR INMARSAT-A AND INMARSAT-B TERMINALS

The Commission's newly adopted rules require that L-band METs placed in service on or before July 21, 2002, meet certain out-of-band emissions limits by January 1, 2005.³ The Commission, however, recognized that modifying or replacing Inmarsat-A terminals, which are used as Global Maritime Distress and Safety System ("GMDSS") ship earth stations, by the compliance date might cause "disruption of maritime safety services."⁴ In order to avoid such

² See Comments of Inmarsat Ventures PLC, IB Docket No. 99-67, RM No. 9165 (filed Dec. 2, 2002) at 1-7 ("Inmarsat Comments").

³ See *Order* at Appendix A (new Section 25.216).

⁴ See *id.* at ¶ 47.

disruption, the Commission exempted Inmarsat-A terminals from the compliance deadline and sought comment on a more reasonable compliance date.⁵

In its comments, Inmarsat urged the Commission to set December 31, 2007 as the compliance deadline for Inmarsat-A terminals.⁶ Although Inmarsat-A terminals remain in use on many cargo, passenger, U.S. Navy and U.S. Coast Guard vessels to comply with the GMDSS requirements of the Safety of Life at Sea (“SOLAS”) Convention and some of those terminals do not meet the out-of-band emissions limits established by the *Order*, Inmarsat-A terminals are in the process of being replaced by newer terminals with enhanced capabilities.⁷ Moreover, Inmarsat has announced that Inmarsat-A services will be discontinued as of December 31, 2007.⁸ In view of the ongoing transition to newer METs and Inmarsat’s announcement to discontinue Inmarsat-A services, Stratos believes that it is reasonable and appropriate for the Commission to exempt Inmarsat-A terminals from the compliance deadline until December 31, 2007, the date on which such METs will be removed from service.

Inmarsat also argued that the Commission should extend the compliance deadline for Inmarsat-B terminals to December 31, 2012.⁹ Inmarsat explained that certain Inmarsat-B terminals produced by one manufacturer exceed the Commission’s new out-of-band emissions limits above 1604.5 MHz by only about 3 dB, and that the likelihood of interference from any

⁵ *See id.* at ¶¶ 47 and 87.

⁶ *See* Inmarsat Comments at 2-3.

⁷ *See id.*

⁸ *See id.* at 3 and Exh. A.

⁹ *See id.* at 4.

such non-compliant terminals is extremely remote.¹⁰ Furthermore, some users in the United States may have only recently bought and installed such METs, which met all FCC regulations then in force, at an estimated cost of many tens of thousands dollars and with the reasonable expectation of operating them for their entire useful lifetime (in excess of 20 years). In light of these factors, Stratos supports Inmarsat's request to extend the compliance deadline for Inmarsat-B terminals to December 31, 2012.

II. EXISTING METS SHOULD NOT REQUIRE LABELS UNDER THE COMMISSION'S CERTIFICATION PROCEDURES

The Commission has proposed that "[n]o mobile earth station subject to the requirement of this section may be operated after January 1, 2005 unless its conformance . . . has been demonstrated pursuant to the certification procedure prescribed in Part 2, Subpart J, of the Commission's rules."¹¹ This proposed rule requires all METs operating after January 1, 2005 to have demonstrated compliance with the Commission's certification procedure -- which includes testing and certification of terminals types, as well as equipment labeling requirements. Stratos shares MSV's concerns about imposing new equipment certification requirements on all L-band METs that are already authorized under a Title III blanket license.¹²

In addition, as written, the rule could be read to prohibit the operation of existing terminals that are compliant with the Commission's new limits, but lack Part 2 equipment labeling because they were manufactured and placed into service before such requirements were implemented. Accordingly, at a minimum, Stratos supports Inmarsat's request for the

¹⁰ *See id.*

¹¹ *See Order* at Appendix B (proposed Section 25.216(h)).

¹² *See Comments of Mobile Satellite Ventures Subsidiary LLC*, IB Docket No. 99-67, RM No. 9165 (filed Dec. 2, 2002) at 7-10.

Commission to clarify that, under the proposed rule, FCC-licensed METs that: (i) were manufactured prior to the adoption of any new equipment authorization requirement; and (ii) are compliant with the proposed new rule, are exempt from any Part 2 equipment authorization labeling requirements.¹³ The exemption of compliant existing terminals from any such labeling would avoid the onerous and impractical task of relabeling compliant METs after manufacture and installation, while fully satisfying the Commission's goal of ensuring that METs operating after January 1, 2005 meet the new out-of-band limits. Such an approach is consistent with Commission precedent¹⁴ and is the only reasonable way to avoid significant service disruptions for users, and significant costs to manufacturers and retailers of METs, which otherwise could occur if all METs currently in use needed to be recalled and for relabeling.

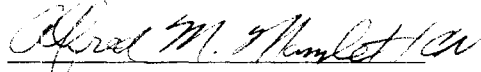
¹³ See generally Inmarsat Comments at 4-7.

¹⁴ The Commission recently issued an order requiring radar detectors to comply with certain emission limits and to be appropriately certified and labeled prior to sale. See *First Report and Order*, ET Docket No. 01-278, 17 FCC Rcd 14063 (2002). The International Mass Retail Association ("IMRA") requested that the Commission waive its labeling requirements for compliant radar detectors previously manufactured but not yet sold. Because of the difficulty associated with individually labeling unsold, compliant radar detectors at retail stores and in warehouses, the Commission waived the requirement that each radar detector be labeled and instead permitted retailers to display signs confirming that the radar detectors complied with the new Commission rules. See Letter from Edmond J. Thomas, Chief, Office of Engineering and Technology, FCC to Morrison G. Cain, IMRA (dated Oct. 15, 2002).

III. CONCLUSION

For the foregoing reasons, Stratos urges the Commission to take action on the *Further NPRM* consistent with these reply comments.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Alfred M. Mamlet".

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CERTIFICATE OF SERVICE

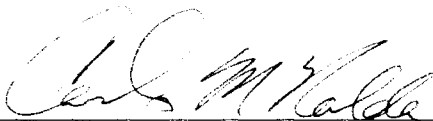
I hereby certify that on this 2nd day of January 2003, a copy of the Reply

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